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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,580	11/01/2001	Yoon Kean Wong	035451-0166 (3704.Palm)	2720
26371	7590	10/26/2004	EXAMINER	
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			ELISCA, PIERRE E	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,580

Applicant(s)

WONG ET AL.

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5-20, 22 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-20, 22 and 24-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to Applicant's Response, filed on 08/11/2004.
2. Claims 3, 4, 21 and 23 are canceled and claims 1, 2, 5-20, 22 and 24-29 are pending.
3. The rejection to claims 1, 2, 5-20, 22 and 24-29 under 35 U.S.C. 103 (a) as being unpatentable over Teicher, Nel in view of Joao, and to claims 8, 9, 15 and 18 under 35 U.S.C. 103 (a) as being unpatentable over Teicher, Nel, and Joao in view of Kohorn as set forth in the Office action mailed on 5/11/2004 is maintained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 5-7, 10-14, 16-20, 22 and 24-29 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Teicher et al. (U.S. Pat. No. 5,933,813) and Nel (U.S. Pat. No. 6,507,823) in view of Joao (U.S. Pat. No. 6,725,201).**

Art Unit: 3621

As per claims 1, 6, 7, 10, 16, 17, 18, and 24-29 Teicher substantially discloses a data processor system for promoting sales of products includes price storage devices for storing basic price information; criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices (which is seen to read as Applicant's claimed invention wherein it is stated that a system for selling or pricing a risk-based product related to an object), the system comprising:

a data collection system configured to collect data relating to the product, including object location (see., abstract, lines 1-10, specifically wherein it is stated that a data processor for promoting sales of products includes price storage devices for storing basic price information....., please note that the basic price information also includes the basic price of the products, Applicant should duly note that product is interpreted as an object);

a pricing system in electronic communication with the data collection system, the pricing system configured to at least one of sell and price the risk-based product, based on the object location data (see., abstract, specifically wherein it is stated that a data processor for promoting sales of products includes price storage devices for storing basic price information; criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices. Applicant should duly note that the basic price information also includes sell and basic price of the products and the product location, and also col 1, lines 36-50, col 2, lines 16-34, col 3, lines 52-67, col 4, lines 1-28).

Art Unit: 3621

It is to be noted that Teicher fails to explicitly disclose the limitation in claim 18 wherein the product is at least one of an insurance policy, an insurance premium, an insurance price, and a warranty policy. However, Nel discloses a method/system of conducting a financial transaction between a purchaser and a vendor of a product. A transaction options for placing a bet, purchasing a share, purchasing a unit trust or purchasing an insurance policy are shown in figs 14A-14h, see., abstract, col 11, lines 64-67, col 12, lines 1-4). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the sales promotion of Teicher by including the limitation detailed above as taught by Nel because such modification would provide coverage or recompense to products for damages which have occurred to them.

Teicher and Nel fail to disclose wherein said an object that is insured by the insurance product and a wireless communications system at the same location. Joao discloses an apparatus and method for processing lease insurance information, including a memory device for storing information for generating at least one of an insurance premium and an insurance policy for providing insurance for at least one of excess wear and tear for a leased entity and post warranty repairs for a leased entity (see., abstract, col 1, lines 24-63, col 2, lines 23-67, col 3, lines 47-67). it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Teicher and Nel by including the limitation detailed above as taught by Joao because this would provide information regarding at least one of a liability, a potential liability, and a risk of loss, associated with the insurance policy or the insurance.

As per claims 2, 12, 13, 14, 20 and 22 Teicher discloses the claimed limitation, wherein the price system is in electronic communication with the data collection system via wireless transmitter (see., fig 8, col 6, lines 45-51).

As per claims 5, 11 and 19 Teicher discloses the claimed limitation, wherein the data relating to the product is data relating to at least one selected operational parameter, temperature, humidity, hours of operation, and time between service (see., abstract, lines 1-4, specifically wherein it is stated that criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices, please note that the predetermined criteria is seen to read as the operational parameter, col 6, lines 28-44).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3621

7. **Claims 8, 9, 15, and 18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Teicher et al. (U.S. pat. No. 5,933,813) , Nel, and Joao in view of Kohorn.**

As per claim 8, 9, 15 and 18 Teicher, Nel, and Joao disclose the claimed limitations as stated in claim 1 above, including wherein said the received information includes information relating to the location of an object associated with the product see., abstract, lines 1-10, product or object. It is to be noted that **Teicher, Nel, and Joao** do not explicitly disclose that the product is an insurance, a warranty, and security system. However, **Von Kohorn** discloses a method for the evaluation of stimuli such as broadcast commercials intended to promote purchases by shoppers. A prize-winning respondent can select a product from a listing and apply the value of a prize to the purchase price of the selected product. Wherein the term product also includes insurance, warranties, and security (see., Von Kohorn, abstract, col 47, lines 1-9, col 97, lines 64-68, col 98, lines 1-64, col 101, lines 13-19). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of **Teicher, Nel, and Joao** by including the limitations detailed above taught by **Von Kohorn** because it is a routine business practice to provide insurance and warranty for a product.

RESPONSE TO ARGUMENTS

8. Applicant's arguments filed on 8/11/2004 have been fully considered but they are not persuasive.

REMARKS

9. In response to Applicant's arguments, Applicant argues that the prior art of record (Teicher, Nel, Joao, and Kohorn) taken alone or in combination fails to anticipate or render obvious the recited feature:

a. " The fact that the Examiner is interpreting the product and the object as the same items is erroneous in application of the reference in the 103 (a) rejection. As indicated above, it is believed that **Teicher and Nel** fail to disclose wherein said an object that is insured by the insurance product and a wireless communications system at the same location. Joao discloses an apparatus and method for processing lease insurance information, including a memory device for storing information for generating at least one of an insurance premium and an insurance policy for providing insurance for at least one of excess wear and tear for a leased entity and post warranty repairs for a leased entity (see., abstract, col 1, lines 24-63, col 2, lines 23-67, col 3, lines 47-67). **Applicant should note that product is interpreted as an object since both are equal items in term of manufacturing.** Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Teicher and Nel by including the limitation detailed above as taught by Joao because this would provide information regarding at least one of a liability, a potential.

b. "The system for selling or pricing the insurance product based on the location of the object". However, the Examiner respectfully disagrees with this assertion since

Art Unit: 3621

Teicher substantially discloses a data processor system for promoting sales of products includes price storage devices for storing basic price information; criteria storage devices for storing predetermined criteria to be used in determining sales promotion prices (which is seen to read as Applicant's claimed invention wherein it is stated that a system for selling or pricing a risk-based product related to an object). It is to be noted that Teicher fails to explicitly disclose the limitation wherein said the product is at least one of an insurance policy, an insurance premium, an insurance price, and a warranty policy. However, Nel discloses a method/system of conducting a financial transaction between a purchaser and a vendor of a product. A transaction options for placing a bet, purchasing a share, purchasing a unit trust or purchasing an insurance policy are shown in figs 14A-14h, see., abstract, col 11, lines 64-67, col 12, lines 1-4). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the sales promotion of Teicher by including the limitation detailed above as taught by Nel because such modification would provide coverage or recompense to products for damages which have occurred to them.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 3621

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3621



Pierre Eddy Elisca

Primary Patent examiner

October 21, 2004